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SUB-COMMISSION ON PREVENTION OF DISCRIMINATION AND
PROTECTION OF MINORITIES

Forty-eighth session

SUMMARY RECORD OF THE 7th MEETING

Held at the Palais des Nations, Geneva,
on Friday, 9 August 1996, at 10 a.m.

Chairman: Mr. EIDE

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QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING POLICIES OF RACIAL DISCRIMINATION AND SEGREGATION AND OF APARTHEID, IN ALL COUNTRIES, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES: REPORT OF THE SUB-COMMISSION UNDER COMMISSION ON HUMAN RIGHTS RESOLUTION 8 (XXIII) (continued)

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The meeting was called to order at 10.10 a.m.

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING POLICIES OF RACIAL DISCRIMINATION AND SEGREGATION AND OF APARTHEID, IN ALL COUNTRIES, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES: REPORT OF THE SUB-COMMISSION UNDER COMMISSION ON HUMAN RIGHTS RESOLUTION 8 (XXIII) (agenda item 6) (continued) (E/CN.4/Sub.2/1996/9, E/CN.4/Sub.2/1996/32, E/CN.4/Sub.2/1996/NGO/3, E/CN.4/Sub.2/1996/NGO/7, E/CN.4/Sub.2/1996/NGO/12 and E/CN.4/Sub.2/1996/NGO/13)

1. Mrs. DAES payed a tribute to the non-governmental organizations for their constructive contribution to the work of the Sub-Commission. NGOs were a useful source of information, an indispensable component of international human rights policy and practice and should be protected from arbitrary attacks. In that respect, she urged the Working Group on the Question of a Draft Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, established by Commission on Human Rights decision 1984/116, to complete its work as soon as possible, for in her opinion 12 years were sufficient for the elaboration and completion of the draft declaration.

2. Among several disturbing human rights situations, she drew attention to the plight of the Greek Cypriots, in particular the enclaved persons in the region of Karpasia. They had numbered approximately 20,000 in 1974 but only 485 remained as a result of a persistent policy of harassment, racial discrimination, intimidation and coercion carried out primarily by the occupying military forces and the Turkish Cypriot regime. The situation had been the subject of a report by the Secretary-General (E/CN.4/1996/54), which stated that the Greek Cypriots and Maronites living in the northern part of the island were leading a far from normal life (para. 17).

3. The tragic fate of 1,663 missing persons and their families must also be clarified. Despite the fact that in March 1996, the leader of the Turkish Cypriot community had confirmed that the Greek Cypriots captured by the Turkish army had been killed, thus promptly dismissing the problem, all the cases should be systematically examined by the competent committees and resolved objectively and correctly, in accordance with the relevant international instruments. A vital humanitarian issue was at stake.

4. Cultural genocide was taking place in the occupied territories of Cyprus. The Secretary-General of the World Council of Churches had sent a telegram to the Secretary-General of the Council of Europe on 22 May 1996 stating that a twelfth century Orthodox Church in the Turkish occupied part of Cyprus had been put up for sale by an estate agent, which symbolized the steady escalation of acts perpetrated against the religious, cultural and national heritage in the territories, that the Turkish occupation of northern Cyprus was illegal and that the Turkish authorities had no recognized right to dispose of religious and cultural property there.

5. Among the many serious violations of the rights of indigenous peoples throughout the world was the impact on their lands and rights of global trade liberalization. In some regions of the globe, the new open conditions were attracting private investment, especially in primary sectors such as mining

and forestry, chiefly on lands inhabited by indigenous peoples, whose territorial rights were not protected. In some cases, private foreign interests had simply overwhelmed whatever measures had been taken to give legal security to indigenous peoples' lands. In addition, indigenous people were often unable to retain control over and profit from their own cultural products and traditional scientific knowledge. Colonialism had taken on new forms which were more economic than military or political, and the marketing of culture was seriously endangering peoples' identities. Although some progress had been made in recognizing and protecting their rights at the national, regional and international levels, indigenous peoples were still threatened with displacement and with flagrant violations of their rights, in particular their rights to freedom of movement, education, health and employment. States must take economic, administrative and other measures to ensure that the relevant legislative measures as well as regional and international instruments were fully observed and implemented.

6. The tragic human rights situation in Burundi was tied in with an expanding civil war. The international community should take immediate steps to put an end to the mass murder, political assassinations, summary executions, arbitrary arrests and disappearances taking place in Burundi. The human rights situation in Rwanda also called for special attention from the United Nations system and all other international organizations, including the Red Cross, which should continue to provide humanitarian assistance.

7. The Sub-Commission had received an alarming number of reports from NGOs concerning gross and systematic violations of human rights in many countries. Of particular concern in that connection was the assassination, torture, imprisonment and disappearance of thousands of journalists, the imprisonment of children and rape and violence against women.

8. Mrs. OSEREDCZUK (Inter-Parliamentary Union) said that the Inter-Parliamentary Union had established the Committee on the Human Rights of Parliamentarians to protect parliamentarians, the guardians of fundamental rights and freedoms not only in their role as legislators but especially in their monitoring of the power of the executive, against any attempt to undermine their fundamental rights, in particular their right to freedom of expression. The Committee considered complaints brought to its attention on a confidential basis and could decide to make them public by submitting them to the Inter-Parliamentary Council, which was made up of representatives of the Union's 133 member parliaments. The Union was currently examining cases of violations of the human rights of parliamentarians in Albania, Burundi, Cambodia, Colombia, Falkland Islands (Malvinas), Honduras, Indonesia, Myanmar, Nigeria, Togo and Turkey in the framework of that public procedure.

9. Two cases were especially deserving of the Sub-Commission's attention. The first concerned several members of the Turkish Grand National Assembly, all of Kurdish origin, whose immunity had been lifted by the Turkish Parliament in March 1994 so that they could be prosecuted for separatism, a crime that carried the death penalty in Turkey. Four of them, Mrs. Leyla Zona and Mr. Hatip Dicle, Mr. Orhan Dogan and Mr. Selim Sadak, had been found guilty of belonging to a terrorist organization and sentenced to 15 years' imprisonment. Their case was being considered by the European Commission of Human Rights. The other four, Ahmet Turk, Sedat Yurtdas, Sirri Sakik and Mahmut Ahnak, had been found guilty of spreading separatist propaganda and

sentenced to 14 months' imprisonment and a fine, by virtue of which they had lost their political rights for life. Mr. Yurtdas and Mr. Ahnak would also be prohibited from practising law for life. The Union, which feared that the parliamentarians in question had been prosecuted solely for using their right to freedom of expression, also had doubts about the fairness of the trial, especially with regard to the right of the defence to plead its arguments and the handling of evidence.

10. The other case, about which the Union had been concerned for several years, was that of six Colombian parliamentarians, all members of the Patriotic Union, who had been assassinated on various dates since 1986, and a serving member of the Senate who had received death threats. None of the inquiries into the murders of the parliamentarians had produced any results. The Committee had also repeatedly urged the Colombian authorities to investigate the "coup de grâce" campaign, an alleged campaign to exterminate all the leaders of the Patriotic Union, to take harsh steps to end the political assassinations, to make sure that the opposition was able to exercise its fundamental rights in accordance with national and international law, and to conclude agreements as soon as possible with the United Nations High Commissioner for Human Rights so that the office planned for Colombia would become operational as soon as possible.

11. Again, there was the case of an Indonesian parliamentarian, Sri Bintans Pamang Kas, initially charged with instigating demonstrations hostile to President Suharto on the occasion of the President's visit to Germany in April 1995. The charge had been dropped for lack of evidence, but instead of dismissing the case the prosecutor had then charged Mr. Kas with insulting the President of the Republic in Berlin and Mr. Kas had been sentenced to 34 months' imprisonment. Mr. Kas had then been removed from his seat by his party; the Committee regretted that Indonesian law gave political parties the power to dismiss representatives of the people.

12. Mr. CASTRO (Observer for Colombia) said that his country was experiencing a situation of internal armed conflict, the result of many factors and the source of violations of human rights and international humanitarian law. In keeping with its democratic tradition, the Government did not hide that fact, listened to rational and objective suggestions and acknowledged its responsibility, particularly when individual freedoms were violated by State representatives. It also encouraged people to report violations in order to preserve the rule of law.

13. His Government had taken a number of specific steps to defend the principles of human rights and international humanitarian law to which President Samper was committed. An initiative was under way to establish an office of the United Nations High Commissioner for Human Rights in Bogota, which was soon expected to become operational; public expenditures for strengthening the judicial system had been increased; a law had been enacted authorizing compensation for the victims of human rights violations; a human rights unit had recently been set up in the Department of Public Prosecutions; a 1995 decree had established an advisory commission to implement recommendations made by international human rights agencies; a presidential programme for the defence of individual freedom had been established; Congress had considered a number of reforms aimed at guaranteeing transparency in the military system of justice; a governmental council for the humanization of the

armed conflict and the implementation of international humanitarian law had been established and a bill had been deposited stipulating that enforced disappearance was an offence. They were serious efforts worthy of note.

14. It was deeply regrettable that international meetings were silent about the abductions in Colombia - 8,355 over the past five years - the use of anti-personnel land-mines, the recruitment of minors into the guerrilla army, the mass murders of civilians, the murdering of soldiers in non-combat situations, the extortion of money and other atrocious violations committed by the guerrilla and "self-defence groups", especially the FARC and ELN. The failure to mention them undermined the credibility of those who criticized Colombia for human rights violations.

15. Mr. ARNOTT (War Resisters International) said that, since March 1996, according to widely-corroborated reports, more than 100,000 village people from Karenni and Shan State in Burma had been forcibly displaced by the Burmese army. A number of Karenni had entered refugee camps in Thailand and some of the Shan had joined the estimated 400,000 Burmese "illegal immigrants" in Thailand, while others had joined the millions of people internally displaced in Burma. Those forced relocations in Burma, in violation of a wide range of human rights, very clearly demonstrated the lawless nature of the State Law and Order Restoration Council (SLORC). Other methods used by the Burmese army to destroy the social and economic structure of Burmese villages included land confiscation, forced labour, systematic extortion, arbitrary taxation, Draconian rice procurement policies and pillaging. They were consequences which the Commission on Human Rights and General Assembly resolutions on Myanmar had not addressed.

16. War Resisters International urged the Sub-Commission to express its grave concern at those violations and to recommend that their economic, social and cultural consequences should be taken up in future resolutions of the Commission and General Assembly.

17. Mr. SENG SUK (International Peace Bureau) endorsed the description by the representative of War Resisters International of the disastrous impact on the economic and social life of the Burmese ethnic minorities of forced labour, forced relocations, killings, torture and rape and all the other abuses systematically carried out by the Burmese army. With examples primarily from Shan State, he described the institutionalized racial discrimination in Burma against the non-Burmese ethnic minorities, who comprised more than half of the country's total population. In particular, the officer corps of the Burma army was almost entirely ethnic Burmese, there was no education in non-Burmese languages in Chin and Shan States, it was very difficult for non-Burmese students to receive higher education, there were hardly any hospitals in the ethnic minority areas, very few non-Burmese were given government jobs, the military had priority in the distribution of commodities, forced assimilation was practised, Shan lands were confiscated without compensation and the cultural and historical heritage of the Shan, which occupied a central place in their identity, was being destroyed.

18. The International Peace Bureau therefore called on the Sub-Commission to adopt a resolution criticizing racial and religious discrimination in Burma and the mass forced relocations in Shan State and Karenni and to recommend

that the General Assembly and the Commission on Human Rights should deal in their future resolutions with the economic, social and cultural consequences of the depredations of the Burmese army.

19. Mrs. AVELLA (American Association of Jurists), President of the Patriotic Union, a Colombian opposition party, said that, like all other members of the Colombian left, she had received repeated death threats from paramilitary groups. She had also been the victim of a recent attack, and the police, who had been in possession of fairly accurate information about those responsible for the threats and attack, had not made the slightest effort to arrest the culprits. She was convinced that the Colombian military forces had not been unconnected with the attack, which had taken place shortly after she had spoken before State monitoring agencies about collusion between the army and the death squads in several regions of the country. The paramilitary groups had become the "irregular" tools of the regular army. More than 3,000 members of the Patriotic Union so far had been murdered by the armed forces with complete impunity, and it was the State of Colombia that was primarily responsible for that "political genocide". Although Colombia displayed the outward signs of a democracy, torture, disappearances, assassinations and arbitrary detentions were institutionalized practices that made it comparable to the worst military dictatorships in Latin America.

20. Mrs. GOGHLAN (World Christian Life Community), speaking on behalf of the World Christian Life Community, the Jesuit Refugee Service, Caritas Internationalis and the Lutheran World Federation, drew the attention of members of the Sub-Commission to the new possibilities for remedying the situation of some 100,000 Bhutanese refugees in Nepal and India without recourse to violence and without further destabilization of the region. The fact that the Bhutanese refugee peace marchers detained in India on their way back to Bhutan had recently been released was an encouraging sign that the crisis could be solved by peaceful means. Understandably, the Bhutanese authorities had been primarily concerned with national stability, but the World Christian Life Community felt that stability and prosperity in Bhutan could never fully exist without a solution that included the welfare of the refugees in question. She was encouraged to hear that Bhutan had extended an invitation to UNHCR to visit the country.

21. It was also to be hoped that India, which had a special geographical position in the region, would take a greater part in the negotiations between Bhutan and Nepal to resolve the refugees' plight and the crisis between the two countries. That part of the world was of strategic interest to India and China, and it would be unwise for the international community to allow the situation to fester. The World Christian Life Community recommended that the Sub-Commission should help by preparing a report on the Bhutanese refugees, to be submitted to the next session of the Commission on Human Rights, and by adopting a resolution that would encourage all possible means of reconciliation between the Government of Bhutan and the Bhutanese citizens in exile.

22. Mr. MAACHOU (Arab Lawyers' Union) said that human rights violations were increasing in various parts of the world, especially the territories occupied by Israel, where different forms of ethnic cleansing were being carried out. From a legal standpoint, legislation was being used to violate international

law. The Israeli military authorities had issued precise instructions on land confiscation and continued settlement in the occupied Arab territories, which were tantamount to human rights violations.

23. His organization also believed that the Palestinian authority should increase its efforts to promote and protect human rights in the territories under its jurisdiction.

24. Mrs. KEIHANI (International Falcons Movement) drew attention to the human rights situation in Iran. Despite continued censorship, over 100 executions had been reported in the press in 1995, while hundreds of other executions took place secretly inside prisons, such as the recent executions of two political prisoners, Mehrdad Kalani and Ahmad Bakhtari. For years the Iranian regime had been justifying its atrocities under the pretext of combating drug-trafficking, corruption and espionage. Yet everyone knew that the larger part of those executions were due to political reasons.

25. Terrorism was not only the main instrument of the Mullahs' diplomats and agents abroad, but the pillar of repression against the regime's opponents in exile. The responsibility of the regime's dignitaries and agents of its secret services in several assassinations of members of the opposition abroad had been clearly established. Harassment against the victims of human rights violations abroad to force them to cooperate with the regime was a very common practice.

26. The Iranian Parliament had adopted new, more repressive, laws against members of the opposition, in particular a new Penal Code which stipulated the death penalty, imprisonment and flogging for various political offences. The fundamentalist regime in Iran was also characterized by oppression of women, ostensibly in the name of Islam, which was a religion of equality, compassion and emancipation. As the International Labour Office had recently concluded, the situation in Iran regarding prevention of discrimination in employment and occupation was disturbing.

27. The Iranian regime had so far demonstrated that it did not heed resolutions about it adopted in the United Nations system. Yet the people of Iran expected the international community to show its abhorrence at the crimes committed by the Mullahs' regime. The Sub-Commission must continue its efforts and take stronger measures regarding Iran.

28. Mr. BARREIRA DE SOUSA (Observer for Portugal) said that the annexation of East Timor by Indonesia had neither been accepted by the East Timorese nor recognized by the United Nations, as demonstrated by the numerous Security Council and General Assembly resolutions adopted on the matter and the Advisory Opinion of the International Court of Justice that despite the Indonesian Government's assertions, self-determination had not yet taken place in East Timor. The presence of ICRC in the territory from 1979 onwards and the visits by two special rapporteurs of the Commission and by the High Commissioner for Human Rights would have been of enormous help if their recommendations had been followed up by the Indonesian Government. Unfortunately, the Government had not even been fulfilling its commitments to the Commission when it had subscribed to the various Chairman's statements adopted by consensus on the human rights situation in East Timor.

29. The many Timorese citizens fleeing their country, the regular outbursts of violence between the population and the security forces and the persistence of the armed resistance were eloquent examples of the failure of the Indonesian Government to respect the East Timorese historical, cultural, linguistic and religious personality.

30. In that regard, he asked the members of the Sub-Commission to keep the question on the agenda and, once more, to assess the situation in East Timor and take action, as appropriate, to uphold the human rights and fundamental freedoms of the East Timorese people and encourage the parties to pursue their dialogue under the auspices of the Secretary-General.

31. Mr. WU Jianmin (Observer for China) said China was a developing country of approximately 1.2 billion people, and it was relatively short of natural resources. Before the founding of the People's Republic, the Chinese people had lived in dire misery and had been exploited by the Western Powers. Since liberation in 1949, considerable changes had taken place and historic progress had been made in the field of human rights. The Chinese Government knew full well that it needed to address the problems of developing the economy and raising people's living standards in order to improve the human rights situation. For that reason, the right to subsistence and to development should be regarded as basic human rights and should be given priority. After decades of hard work, China had managed to provide all of the population with sufficient food and with political stability and national unity.

32. The Chinese Government attached equal importance to protection of the civil and political rights of the people as provided for by law. In doing so, however, it proceeded from its own national conditions instead of copying models of others. While promoting democracy, China had also worked to improve the legal protection of human rights. A number of important laws had recently been adopted for that purpose. A Ministry of Supervision had been established, to supervise the law enforcement departments and help correct any mistakes that might occur.

33. The Chinese Government also attached importance to international cooperation in human rights matters. It had so far acceded to 15 international human rights conventions and submitted periodic reports to the supervisory bodies. It had also taken an active part in the World Conference on Human Rights and invited the Special Rapporteur on Religious Intolerance and the Chairman/Rapporteur of the Working Group on Arbitrary Detention to visit China. The Chinese authorities were also holding a series of bilateral contacts with various countries on human rights issues.

34. There were more than 180 countries in the world, and it was quite normal for there to be different views about human rights. Diversity and complementarity added to the cultural richness of the world. What was important was how differences were dealt with. At the fifty-second session of the Commission on Human Rights, many developing countries had appealed for dialogue instead of confrontation and cooperation and understanding instead of hostility and prejudice. It was vital for the promotion and protection of human rights. His delegation hoped that the Sub-Commission would contribute to such efforts.

35. Mr. RAMLAWI (Observer for Palestine) said that the question of human rights in the occupied Arab territories had long been a priority of the Commission on Human Rights. Several resolutions had been adopted by United Nations bodies on the subject, but the Israeli authorities did not appear to be heeding them. The occupying authorities were still holding about 5,000 Palestinian prisoners without trial and were carrying on with their policy of arbitrary arrests, mass punishments, murders of young Palestinians and settlement of the territories.

36. In his delegation's view, the new Israeli Government was simply disregarding the negotiation process under way. It had also refused to commit itself to the principle of "land for peace", had decided to resume settlement of the occupied territories, contradictory to the goals and objectives of the peace process, and had already taken a stance on a number of sensitive issues such as the status of Jerusalem and respect for the Palestinian refugees' right of return, even before negotiations on those issues had begun. They were dangerous developments, and the role of the international community, and therefore the Sub-Commission, was particularly important in ensuring the preservation of the individual and collective rights of the peoples fighting for their independence in the region.

37. Mr. ENNACEUR (Observer for Tunisia), speaking in exercise of the right of reply, stressed the need for the Sub-Commission to continue its efforts to remain within its original mandate and protect itself from any manipulation or attempts to distort its role.

38. With regard to the allegations against his country by certain NGOs, he pointed out that the trial tendentiously referred to by one of them had been an ordinary trial that had had nothing to do with the human rights activities of the accused and had been conducted in all openness and with respect for Tunisian law, which was in conformity with the international instruments ratified by Tunisia. The fact that remedies had not been exhausted in the case should have encouraged that NGO to be more moderate and circumspect.

39. Another NGO had levelled all sorts of charges against the Tunisian Government because the NGO's President had not been able to carry through a planned visit to Tunisia. That NGO was well aware that if a visit was not strictly for tourism or private purposes, it had to be carefully prepared, and that it was not polite to enter someone's home without at least knocking on the door.

40. The representative of a third NGO, whose objectivity had been placed in doubt at a seminar it had organized in Tunisia the year before, had reiterated allegations that had not been taken up by the competent human rights protection mechanisms and whose fallacious nature had been demonstrated several times by the Tunisian Government.

41. The ones responsible for such an avalanche of unjustified allegations should be reminded that the Sub-Commission must remain a serene body of reflection and constructive dialogue on the best ways of protecting human rights throughout the world. As the High Commissioner for Human Rights himself had seen on a recent official visit, Tunisia and its President were deeply committed to the promotion of human rights. Three months ago, for example, a national commission for human rights education had been established

in order to spread a human rights culture throughout the country's educational establishments. In addition, two or three weeks earlier, the Head of State himself had visited the prison in Tunis, ordered and inquiry into the detainees' living conditions and asked the Chairman of the Higher Committee for Human Rights to conduct unannounced visits to the prisons. Those two initiatives showed, if there was any need to do so, that Tunisia and its President worked to ensure that human dignity was respected and protected at all times and in all circumstances.

42. Mr. JOINET, referring to the recent decision of an Italian military tribunal to release a Nazi war criminal, stressed the harmful consequences on the combat against impunity of recourse to military courts. He went on to discuss the situation in three countries from which the Sub-Commission had been expecting results.

43. With regard to Colombia, there had been several positive developments. Progress appeared to have been made with the Amnesty Act, in compensating the victims of violations; an ombudsman had been appointed; the establishment of an office of the High Commissioner for Human Rights in Bogotá appeared to be moving ahead, but the Sub-Commission had to make sure that the office was actually set up, and in a credible way. Concerning another country, he found it unacceptable for a Head of State to be refused a visa. With that measure, which was the latest in a long series that included the adoption of sanctions against Cuba, the prohibition against third countries from exporting, the failure to pay United Nations contributions, and even the prohibition on the Secretary-General of the United Nations from running for re-election, the country in question was going too far.

44. The second case concerned Peru. Lengthy discussions had been held in 1995 concerning an amnesty law, which would obviously lead to impunity. Since then, some positive steps could be noted. An ombudsman had been appointed; a bill had been prepared on review of judicial decisions wrongly convicting or imprisoning innocent persons for terrorism, and if enacted, it would mark significant progress; the seven members of the Constitutional Council whose establishment the Sub-Commission had requested had been elected and invitations had been sent voluntarily to the Working Group on Detention and the Special Rapporteurs on the independence of judges and lawyers and the right to freedom of expression. The basic problem, however, had not been fully resolved. Most of the adverse effects of the Amnesty Act persisted, as indicated by the observations of the Human Rights Committee on the subject, and he believed that the Sub-Commission should continue its initiative with regard to Peru.

45. The time had also come to take stock of matters regarding Turkey. The Anti-Terrorism Act for which the Sub-Commission had recommended changes in article 8, had in fact been amended, in that the scope had been restricted, the penalties had been shortened, alternative penalties to imprisonment were being considered and, especially, the law was being applied retroactively. The Special Rapporteur on the right to freedom of opinion and expression had also been invited to visit the country. Those were positive reforms directly related to the initiative undertaken by the Sub-Commission. Much remained to be done, however, especially with regard to the article of the anti-terrorism Act whereby a lawyer could meet with a detained client only in the presence of a guard. The question of the Act's implementation also needed to be

considered. He referred in that connection to the trial of 17 members of the Turkish section of the International Federation of Human Rights under the anti-terrorism legislation for writing an article in their journal. In his view, they had been using their freedom of expression peacefully and there had been no reason to use the anti-terrorism Act against them. Again, a Turkish publisher was being prosecuted for publishing the translation of a work written by a French specialist on the Armenian question. He hoped that the publisher would be retried under the new law and acquitted.

46. In conclusion, three brief comments were needed on the Sub-Commission's working methods. First of all, it was time to stop "knocking" the NGOs. Regarding initiatives to be undertaken within the Sub-Commission, possibly by forming a small working group, spurious problems such as the alternates issue should be disregarded from the outset. He would also like the small team to be formed to begin by assessing the implementation of the reforms adopted in 1982.

47. Mr. EL-HAJJE said that, in considering agenda item 6, the Sub-Commission had an opportunity to make a general survey of the human rights situation in several countries, hear the NGOs working in the field, look into the causes of human rights violations and seek ways to remedy them.

48. The communications submitted since the beginning of the session pointed to a deteriorating human rights situation throughout the world, especially in countries that had voluntarily ratified a good number of human rights instruments and which the international community was prepared to help fulfil their obligations. In some countries, particularly in Africa and Europe, problems had been allowed to build up and had led to tragedies. It could not be overemphasized that each country was primarily responsible for establishing conditions favourable to respect for human rights, by stressing human rights training for its citizens, from school onwards, and by enabling them to exercise their rights. Problems arising within a society or between that society and neighbouring societies should be resolved not by violence and terrorism but by dialogue and cooperation.

49. In the Middle East, for example, security problems were advanced as arguments to carry on imprisoning, killing and occupying the territories of others and prevent the implementation of agreements that had been signed under the auspices of the international community. The Arab peoples wanted concrete proof of their neighbours' desire for peace. The settlements, bombings and continued occupation were not indicative of such a desire. As to Africa, especially the Great Lakes region, the OAU, the Centre for Human Rights and all organizations and individuals of good will should intensify their efforts to ensure acceptance of the idea that the sacrosanct rights of human beings, even enemies, must not be violated.

50. With reference to the cause of human rights, which so many people - both specialists and ordinary people - had served for centuries, the NGOs must be commended for their tireless work. To serve that cause better, cooperation might be strengthened among the three groups participating in the work of the Sub-Commission, namely experts, government observers and NGOs.

51. Finally, globalization was an inevitable phenomenon that would surely have an impact on human rights. States should not, however, be at the mercy

of the multinational corporations. They must use their prerogatives to protect the rights of workers and of the vulnerable sectors of the population, without waiting for legal instruments to become available.

52. Mr. LINDGREN ALVES said that he had particularly appreciated the statement by Mr. Weissbrodt, who had provided an accurate analysis of the Sub-Commission's shortcomings with some interesting suggestions for remedying them, the statement by Mr. Fan Guoxiang on the universality of human rights observance, Mr. Khalifa's remarks on the causes of the deterioration of human rights throughout the world and the thorough examination of the phenomenon of globalization put forward by Mr. Bengoa. Mr. Bengoa had presented a most interesting proposal, the preparation of a worldwide report on the situation of human rights in every country on a non-selective basis. Such a report would end the accusation of selectivity levelled at the Sub-Commission by certain Governments.

53. The Sub-Commission had been criticized for repeating resolutions already approved by the Commission and multiplying proposals for new studies and rightly so. It should be noted, however, that the Sub-Commission was not the only body open to such criticism.

54. The global system for the protection of human rights had originally been established to denounce the violations committed by authoritarian or totalitarian Governments and to exert moral pressure on them. One might ask whether such an approach was valid for democratic countries, which were the first to acknowledge human rights violations committed on their territory and to try to curb them within the complexities of democratic rule. Would it not be better to spare their time and attention for more productive work than submitting repetitive reports to all the treaty bodies? The Sub-Commission might conduct a study on that question.

55. In that connection, new studies should be undertaken only when those under way reached their final stage. The Sub-Commission should also have more time to examine those studies thoroughly. To that end, it might drop some items from its agenda, particularly those that repeated what was already being dealt with by the Commission, and limit statements by NGOs, which were already very active in the Commission itself. Also the Sub-Commission should try not to adopt resolutions on national situations already addressed by the Commission, unless new facts justified such a course.

56. Mr. BOUTKEVITCH said that 30 years would soon have passed since the adoption by the Commission on Human Rights of resolution 8 (XXIII), conferring an extremely important task on the Sub-Commission. The time had come to look at how the Sub-Commission fulfilled that task and how it might enhance its effectiveness. Practically every year, the Sub-Commission had considered measures for improving its consideration of questions under agenda item 6.

57. In his view, the Sub-Commission should assess human rights violations more in terms of the danger they represented. It should also avoid duplicating its work. The problem of racial discrimination, for example, was being examined under several items, and the resolutions often repeated identical aspects of the same problem. The Sub-Commission should not lose sight of the need to analyse how its recommendations were followed up. It should also lay emphasis on the victims of human rights violations rather than

on those responsible. The situation would be improved not by stigmatizing those responsible but by attentively scrutinizing the violations and their causes. The Sub-Commission's role was primarily one of prevention, which was obviously more complex inasmuch as it could not simply reveal or note facts but had to conduct analyses and investigations.

58. In view of those objectives, several proposals could be made to improve the consideration of questions under agenda item 6. First, a working group of five experts should be established, in accordance with the principle of equitable geographical distribution, to meet after the consideration of item 6 and analyse all the information received, whether from experts, NGOs or observers, and prepare a report on human rights violations found to be systematic. It would submit the report to the Sub-Commission for transmittal to the Commission on Human Rights.

59. Second, he recommended reducing the number of resolutions submitted. It did seem necessary to adopt resolutions when there was a doubt about the existence of systematic human rights violations, when a country's human rights situation was already being considered by special rapporteurs or was the subject of resolutions of the Commission, the Economic and Social Council or the General Assembly or when there was an international consensus to the effect that the situation was one of a gross pattern of violations of human rights. There was, on the other hand, a need to review the follow-up to existing resolutions. To that end, it might be advisable to prepare a document indicating which resolutions had been adopted, how many, in what year, by whom, on which countries and which violations, and how those violations had been qualified. The role of the NGOs was extremely important in that connection.

60. Third, the Commission should examine the implementation of its recommendations more thoroughly, at every session. If it decided to establish the working group he had mentioned earlier, the group might perform that task and submit its findings to the Sub-Commission. Fourth, since the quantity of information received every year under item 6 made it impossible to evaluate the violations properly, the group might study the question of criteria for evaluating systematic violations of human rights. Fifth, it was essential to bring every effort to bear to strengthen measures for drawing attention to gross violations of human rights.

61. His intention had in no sense been to diminish the Sub-Commission's role. Properly functioning bodies did not fear criticism and even criticized their own work periodically. Those that were not functioning properly sought to justify their poor results.

62. Mrs. KABIR (International Progress Organization) said that democracy was the best guarantor of human rights, even in poor countries like Bangladesh, where the people went to the ballot box to show their commitment to fundamental freedoms, notwithstanding the fundamentalists who would circumscribe those freedoms in the name of religion.

63. In India, too, the people were convinced that democracy alone guaranteed stability and prosperity and the strength to blunt the activities of terrorists, mercenaries and their mentors. In Jammu and Kashmir, despite calls for a boycott by terrorist groups acting on behalf of foreign Powers,

the citizens had elected their legitimate representatives to the Indian Parliament. Reports in some of the media questioning the legitimacy of the electoral process in Jammu and Kashmir were bewildering. Was a State not bound to protect its territorial integrity and defend its people when they were threatened by terrorist groups, in particular Harkat Ul Ansar, which did not hesitate to kill civilians and innocent tourists? It was also surprising that the Government of Pakistan had called for a boycott of the elections while at the same time leaders of Pakistan-occupied Kashmir were calling for the Pakistani army to conduct and supervise elections.

64. She called on the world community to give full support to India in its efforts to strengthen democracy and to counter terrorism.

The meeting rose at 1.10 p.m.